

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 12, 1993, at 3:15 p.m.

ROLL CALL

Members Present:

Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: Sen. Steve Doherty (D)

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 64, HB 171, HB 532
Executive Action: HB 171, HB 84, HB 102, HB 30, HB 288, HB 417

HEARING ON HB 64

Opening Statement by Sponsor:

Representative Ed Grady, HD 47, stated HB 64 was introduced because the 1991 Legislature enacted SB 346, establishing a \$5 per ton fee on disposal of imported solid waste. He said the fee becomes effective July 1, 1993. Rep. Grady stated several recent United States court rulings and a Board of Appeals ruling on a similar law have increased the likelihood that a \$5 fee, if challenged, would be ruled excessive and unconstitutional. He stated EQC's intent in drafting HB 64 was to address the

constitutional problem by delaying the effective date for 2 years and directing the Department of Health and Environmental Sciences (DHES) to develop a more constitutional fee level.

Representative Grady added the purpose of the fee is to keep the general fund from subsidizing the disposal of garbage that originates in other states. He stated the House Natural Resources Committee amended HB 64 so that DHES's fee applies to landfills that receive 25,000 tons or less of solid waste annually. He said if the bill passed, the \$5 fee would become effective in 1995 and would apply only to landfills that receive more than 25,000 tons annually. Representative Grady concluded HB 64 would allow smaller community landfills to contract with communities in North and South Dakota to dispose of their solid waste.

Proponents' Testimony:

Representative Rolph Tunby, HD 24, said the landfill in his district is near North Dakota. Federal and state regulations are requiring closure of smaller landfills and forcing the opening of regional landfills. He said being able to accept solid waste from North and South Dakota would be to the advantage of Fallon County's landfill. Representative Tunby stated HB 64 allows fees to be structured in a way which will allow and facilitate importation from other states.

Mike Mather, Fallon County planner, stated the county needs to know what the fees on out of state waste will be and asked the Committee to concur in HB 64.

Terry Cosgrove, Fallon County planner, said the \$5 fee would have been subject to a legitimate legal challenge. He said with HB 64, the small landfills will know the fee level they will be dealing with.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Grosfield stated the only way to get to Cooke City in the winter is through Wyoming and Park County pays the out of state rate for garbage from Cooke City. He added the only way into Mammoth Hot Springs in the winter is through Montana. He asked John Dilliard, DHES Solid Waste Management program to comment. Mr. Dilliard stated currently Montana is not charging any out of state solid waste fees. He stated if there is a differential fee it may be from the solid waste district that is accepting the waste from Cooke City or Mammoth. Mr. Dilliard said the National Park Service pays the fees for disposal of waste from Mammoth.

He said waste must be generated from an out of state source to be subject to the higher out of state fee, so Cooke City would not have to pay the higher fee even though the waste must travel through Wyoming to reach the Livingston area. Senator Grosfield stated Park County Commissioners have told him they are paying out of state fees, but Mr. Dilliard said the standard \$.31 is the only fee Montana is currently charging.

Senator Weeding asked about the current fee system on out of state waste. Mr. Dilliard stated all solid waste management systems pay an annual licensing fee, part of which is based on the size of the facility. He said the licensing fee also includes a \$.31 per ton fee which the waste management systems assess their users. Mr. Dilliard stated under HB 64, a landfill that receives out of state waste would increase the charges to the generator of the waste.

Mr. Dilliard said DHES has been looking at what it would have to do differently if HB 64 passes, and landfills begin accepting out of state waste. He stated that 20% of the program is funded by the general fund. In order to have out of state waste generators pay their share and fund the program as the general fund does, a differential fee of \$.10 to \$.11 would have to be added onto the \$.31 per ton charge. Mr. Dilliard added as of April 1, 1993, Montana law prohibits the disposition in landfills of infectious medical waste. He stated the program may have the added responsibility of ensuring that infectious medical waste is not included in the garbage being hauled into Montana.

Senator Tveit asked Mr. Dilliard to explain the quarterly fee of \$5 per ton on solid waste generated outside Montana. Mr. Dilliard stated a facility receiving out of state waste would have to pay \$5 per ton on a quarterly basis. Mr. Dilliard stated between August 1, 1993 and the date importation started, all facilities receiving imported waste would pay a fee established by DHES. Beginning July 1995, all facilities accepting out of state waste with a capacity of over 25,000 tons would have to pay the \$5 per ton fee established in HB 64, while the facilities with a capacity under 25,000 tons would continue to pay the fee established by DHES.

Senator Keating asked for an estimate on the fee established by DHES. Mr. Dilliard stated that is impossible to determine, since DHES has not completed its study to determine how much additional work would be required. Senator Keating asked about the reason for the differential fee. Mr. Dilliard stated the basis for the fee is to ensure that Montana taxpayers will not have to fund the handling of out of state waste.

Senator Weeding asked what is significant about 25,000 tons. Mr. Dilliard explained the different landfill classifications.

Senator Grosfield asked if waste generated in West Yellowstone, which ends up in Bozeman, would be subject to a \$5 per ton fee

since the Bozeman area landfill has a capacity larger than 25,000 tons. Mr. Dilliard responded that waste generated by West Yellowstone or by Cooke City would not be subject to any additional fees if it is taken to an in-state facility. Mr. Dilliard stated there are no large landfills accepting out of state waste.

Closing by Sponsor:

Representative Grady closed.

HEARING ON HB 532

Opening Statement by Sponsor:

Representative Rolph Tunby, HD 24, stated there is currently a moratorium on the importation of solid waste, and HB 532 would provide an exception. He said towns in North Dakota are subject to the same EPA pressures as towns in Montana and they want to know how they can dispose of their waste. He said Alzada is exporting waste into South Dakota and it would make sense for some North and South Dakota facilities to export waste into Montana.

Proponents' Testimony:

Mike Mather, Fallon County planner, said Fallon County's landfill is only 7 miles from the North Dakota border and allowing importation of waste would be a logical weight shift. He added new state and federal regulations have resulted in additional expense, but if Montana can accept out of state waste, the costs to Fallon County's landfill would be significantly reduced. Mr. Mather said it makes sense for small rural communities to work together for effective waste management across state lines.

Senator Betty Bruski-Maus, SD 12, said her district borders North and South Dakota and Wyoming. She stated allowing Fallon County's landfill to accept out of state waste would be "good neighbor policy" and would render the facility more fiscally sound.

Terry Cosgrove, Fallon County, said HB 532 is limited in that it would allow importation of waste only to landfills with a capacity of 25,000 tons or less. He added the bill does not include incinerators and excepts entities that were receiving waste before the moratorium was passed 2 years ago.

Chris Gallus, Montana Technology Companies (MTC), said MTC received an exemption to the moratorium 2 years ago. He stated MTC operates the National Environmental Waste and Technology Testing Evaluation Center (NEWTTEC). Mr. Gallus stated NEWTTEC

needs to import waste to enable the facility to develop waste remediation technologies.

Opponents' Testimony:

Ted Lange, Northern Plains Resource Council (NPRC), suggested the Committee adopt an amendment (Exhibit #1) which would ensure that the moratorium is not lifted prematurely. He said NPRC is uncomfortable with the prospect of allowing waste importation before rules to implement Title 75, chapter 10, part 9 are in place. He added the language in the amendment was taken directly from HB 434, which was tabled in the House Natural Resources Committee.

Questions From Committee Members and Responses:

Senator Weldon asked Mr. Gallus if Subsection 5 will allow NEWTTEC to start new research projects. Mr. Gallus stated NEWTTEC is currently testing technology at the facility, but must develop surrogate material.

Senator Weldon asked when DHES will adopt the rules to which Mr. Lange referred. Mr. Robinson stated DHES is working on two different sets of rules. One set is to bring Montana into compliance with the new federal Subtitle D regulations. He said the rules are being edited and DHES hopes to begin the public review process by the end of March. The other set of rules addresses implementation of the Megalandfill Siting Act passed during the 1991 session. Mr. Robinson added DHES hopes to have all the rules in place by October 1993.

Senator Weldon asked Rep. Tunby about NPRC's amendments. Rep. Tunby stated he would have supported the amendments for HB 434, but HB 434 was tabled because some House Committee members felt the moratorium may be unconstitutional. He said he opposes the amendments because he thinks the bill would die in the House.

Senator Weeding stated the sunset was placed on last session's moratorium legislation because Committee members believed DHES would have rules in place.

Closing by Sponsor:

Representative Tunby said both the federal and state governments have imposed more regulation and the Legislature should do what it can to assist local facilities in complying. He added it would be both environmentally and financially beneficial.

HEARING ON HB 171Opening Statement by Sponsor:

Representative Marian Hanson, HD 100, said the Department of State Lands (DSL) requested HB 171. She said the bill brings Montana into compliance with changes the federal government has made in the last 2 years dealing with strip mining and permitting.

Proponents' Testimony:

John North, DSL chief legal counsel, said Montana must comply with the federal strip mining act in order for the state to regulate coal mining. He distributed and discussed his written testimony (Exhibit #2).

Dennis Olson, Northern Plains Resource Council (NPRC), urged the Committee to consider an amendment to make permit amendments subject to the applicant violator system. He said on pages 19 and 20, "major revision" has been stricken, and asked the Committee to reinsert the language. Mr. Olson said the applicant violator system should be kept intact to discourage problems with wildcat operators.

Jim Mockler, executive director, Montana Coal Council, cautioned the Committee that with bills such as HB 171, the legislature is taking the responsibility for denying access to private property. He said the courts have significantly expanded the applicator violator system to the point where the searches are expensive and unreliable. He urged the Committee not to amend the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Bianchi asked Mr. Mockler for clarification on which sections of the bill he wants left intact. Mr. Mockler stated the bill is fine just as it is. He said new permits and major revisions should be subject to the applicator violator system, but minor revisions should not.

Senator McClernan asked Mr. North for clarification on the prospecting language on page 12. Mr. North stated DSL receives petitions designating certain areas unsuitable for coal mining. He said DSL will apply the provision in the bill to prospecting conducted outside the unsuitable area. Mr. North said the full permitting and bonding requirements must be met if prospecting for coal is occurring in an "unsuitable" area.

Senator Kennedy asked Mr. North about NPRC's amendment. Mr. North stated DSL proposed that amendment because the Department must ask the legislature to amend the law every 2 years or it will lose the program. He said it is important the bills pass and be noncontroversial, so DSL presented only those changes that were necessary to comply with federal law. Mr. North stated if the Department wants other kinds of changes, they put them in other bills. He said some members of the coal industry felt HB 171 as introduced went beyond the federal law. Mr. North stated he researched the issue and found that the applicant violator system does not apply to revisions, only to amendments and new permits. He said current law is more stringent than federal law and DSL felt that since it was applying an expanded applicant violator system, revisions should be removed since they are not included in federal law. Mr. North stated DSL does not want the bill amended.

Senator Bianchi asked what the difference is between a revision and an amendment. Mr. North stated a revision is a change within the existing permit boundary and an amendment adds acreage to an existing permit boundary. He added an amendment would require permit review procedures in HB 171, including the applicant violator system, while a revision would not be subject to the applicant violator system.

Senator Bianchi asked Mr. Olson why a revision should be subject to the applicant violator system. Mr. Olson stated a coal permit is renewed every 5 years and goes through the applicant violator check. He said it is important to maintain the applicant violator systems. Senator Bianchi asked for an example of a major revision other than an expansion. Mr. North said the rules define a major revision as something that causes a change in the bonding level or in the post-mining land use or drainage patterns. Mr. North stated existing federal law does not require any revisions to be subject to the applicant violator system.

Closing by Sponsor:

Representative Hanson urged the Committee to concur in HB 171.

EXECUTIVE ACTION ON HB 171

Motion/Vote:

Senator Swift MOVED HB 171 BE CONCURRED IN. Motion CARRIED UNANIMOUSLY, with Senator Doherty absent at the time of the vote. Senator Keating said he would carry the bill on the floor.

EXECUTIVE ACTION ON HB 84

Motion:

Senator Kennedy MOVED TO AMEND HB 84 (Exhibit #3).

Discussion:

Paul Sihler explained the amendments, noting that amendments #3 and #4 are housekeeping amendments to correct a misreference. He stated amendments #1 and #2 take out the language inserted on the House floor, so dams will continue to be called High Hazard, rather than Class 2.

Senator Grosfield said the Water Policy Committee examined the issue of dam safety, spending a great deal of time on nomenclature. He said the term "High Hazard" frightens people unnecessarily, and simply means that loss of life may occur downstream if the dam breaks. He added the term has nothing to do with whether the dam is safe or well-constructed. Senator Grosfield stated he prefers the term "Class 2" to "High Hazard". He said he would like to segregate the amendments so he can vote against amendments #1 and #2.

Senator Bianchi stated the amendments would be segregated.

Senator Weeding stated "Class 2" does not mean anything to anybody, as federal agencies and other states use "High Hazard".

Senator McClernan stated a potential land buyer should have the common sense to know the risks involved in living below a dam. He said he would like to know if a dam is classified High Hazard before buying property. Senator McClernan stated a land buyer may not be able to determine what a small dam would do if it broke.

Senator Grosfield asked Gary Fritz, Department of Natural Resources and Conservation (DNRC) to comment on the nomenclature. Mr. Fritz stated 8 of the 14 western states use the term "High Hazard", 4 states regulate all dams and 1 state uses the term "Class 1". He added the Soil Conservation Service uses "Class A, B, and C" and the Bureau of Reclamation Corps of Engineers uses "High Hazard".

Senator Swysgood asked what size impoundment is considered "High Hazard" under current law. Mr. Fritz stated there are two characteristics of a high hazard dam - it must be over 50 acre feet in size, and have the potential to kill people if it breaks. Mr. Fritz stated DNRC can regulate a dam that is not a High Hazard dam if someone files a complaint.

Vote:

The motion to AMEND HB 84 (Exhibit #3 - amendments #1 and #2)
CARRIED 7 to 5, roll call vote.

Vote:

The motion to AMEND HB 84 (Exhibit #3 - amendments #3 and #4)
CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weeding moved HB 84 BE CONCURRED IN AS AMENDED. Motion
CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 102

Motion:

Senator Weeding MOVED TO AMEND HB 102.

Discussion:

Senator Bianchi stated the main issue is how much it will cost the state to extend the time for the Board of Natural Resources to act on applications for water reservations. He asked Mike Volesky to comment on why the conservation districts want the extension.

Mike Volesky, representing 11 conservation districts in eastern Montana, said the districts have collectively applied for a water development/renewable resource development grant so they could receive legal and technical assistance in the water reservation process. Mr. Volesky stated if the districts get the grant, they will receive the money in 1995. He said the water reservation process will be over by then, so that money will not do the districts any good.

Senator Bianchi asked Mr. Fritz how much the extension will cost the state. Mr. Fritz said DNRC has been administering the water reservation process on the Missouri River since 1985. He said the money being spent is water development money, and some federal money was involved in the Upper Missouri Basin. Mr. Fritz said DNRC anticipated that the process would be finished in the next biennium, but if the deadline is extended to December 31, 1995, DNRC would have to extend the process one year into the following biennium. Mr. Fritz added the staff could be reduced to 1 FTE with the limited workload, but the Department would end up spending an additional \$52,000 to assist the Board in

finishing the job by December 1995.

Senator Bartlett asked if it would be possible to complete the subordination process by December 31 1995. Larry Dolan, program manager, DNRC Water Resources Division, said to extend the process an additional year would result in additional costs to the Department through June 1996. Senator Bartlett said the current deadline in HB 102 is December 31, 1994, "so the additional 6 months for the subordination question still falls within that biennium."

Senator Swysgood asked Mr. Volesky when the conservation districts would receive the grants. Mr. Volesky stated the districts would not receive the money until the last quarter of the biennium (January-June, 1995). Senator Swysgood stated he is not sure the 1 year extension will help the districts because the whole process is so time consuming. He added the time frame may not allow the districts to have a fair hearing. Gary Fritz said Senator Swysgood's concern is legitimate if the conservation districts do not get their funding until June 1995. He said DNRC has put together a schedule assuming the deadline is December 31, 1995 and the hearing in May 1995. Mr. Fritz said June 1995 would be too late to help the conservation districts.

Senator Bianchi asked if the conservation districts are guaranteed the grant money. Mr. Fritz stated the districts will get the money, but the date is uncertain. Senator Bianchi asked if DNRC or a bank could loan money to the districts soon enough to help them in the water reservation process. Mr. Fritz stated that would be too much of a risk for DNRC to take because the grant project is fairly low on the Department's priority list.

Senator Swysgood asked where the conservation districts are ranked. Mike Volesky stated the districts are ranked 36 out of 46 projects. Senator Swysgood asked how much money is available for the projects. Mr. Volesky said \$1.4 million is available and the conservation districts are asking for \$47,000. He added the projects ahead of the districts will require \$1.2 million.

Senator Tveit stated changing the ranking at someone else's expense would be the only answer.

Senator Bianchi said the issue is whether the Legislature wants to gamble with \$52,000, which may not accomplish anything.

Senator Grosfield asked when DNRC and the districts would know when the grant money was coming. Mr. Fritz stated when DNRC funds projects, the money comes in on a quarterly basis and the Department funds the projects on the order in which they are ranked. He added the Department is not willing to make an advance payment because the conservation districts are ranked so low on the priority list.

Senator Grosfield asked Mr. Sihler if a coordinating instruction

could be placed in the bill stating if the conservation districts do not get their grant money in time, the extension will be allowed, but if they do receive the money, the deadline will not be extended. Mr. Sihler said he would hesitate to put in coordinating instruction because it is uncertain whether or when the conservation districts will get the grant money. Mr. Sihler said coordinating instructions are related to a bill passing or failing, adding the coordinating instruction in this case would not be coordinated with the passage of a bill.

Senator Swysgood said the coordinating instruction would compound the problem.

Mr. Fritz stated conservation districts have another source of funding, but it does not provide as much money as the districts have requested. Senator Weeding said the additional source is "223 money".

Senator Bianchi asked about 223 money. Mr. Fritz stated that it is a source of funding used by upper basin conservation districts. Mr. Volesky said grants from 223 money is usually not more than \$2,000 or \$3,000.

Senator Swysgood asked if the Committee could pass consideration on HB 102 until Mr. Volesky can explore other options and determine the amount of money available to the conservation districts. Mr. Fritz said individuals familiar with the process and the 223 money chose instead to apply for the RIT fund grant.

Senator Hockett noted the funding will also depend on whether HB 608 passes.

Senator Weeding WITHDREW his motion to amend HB 102.

EXECUTIVE ACTION ON HB 30

Motion:

Senator Kennedy MOVED TO AMEND HB 30 (Exhibit #5).

Discussion:

Senator Kennedy said people in the Kalispell area are at odds with the local planner and the planning office. He said Jerry Sorenson suggested in his testimony that the activities in the amendments be grandfathered in so residents do not have to worry about the planning office.

Senator Weldon said Jerry Sorenson was wondering whether Senator Kennedy's amendments could be incorporated into the statement of

intent. Paul Sihler said the state statute is an enabling statute with broad guidelines, leaving it up to the counties to adopt regulations. He said the amendments are fairly specific and a little out of place in the statute. Mr. Sihler added the statement of intent would only be interpreted in the courts if there was something unclear in the statute. Senator Weldon asked Senator Kennedy if he is committed to putting the amendments in the statute, rather than in the statement of intent. Senator Kennedy stated he would prefer the amendments be left where they are.

Senator Kennedy said the amendments would be needed in case a local government decided to change the setback from 20 feet to 50 feet.

Mr. Sihler said activities in (a), (b), (c), and (d) are consistent with what is presently in regulations already adopted by the county. He added it would be codifying in statute activities that are already in county lakeshore regulation. Senator Weeding stated the difference is that the county rules are discretionary they would be mandatory in statute.

Senator Tveit said the amendments would give lakeshore residents leeway without being subject to the decisions of a local governing body.

Referring to (b), Senator Weldon asked if he was correct in assuming that if local authorities move the setback to 50 feet, they have to allow the expansion and remodeling of existing homes. It does not preclude local governments from regulating how the remodeling is done. Mr. Sihler said that is correct.

Vote:

The motion CARRIED UNANIMOUSLY, with Senator McClernan absent at the time of the vote.

Motion:

Senator Hockett MOVED HB 30 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Grosfield said amendment (c) discussed the physical characteristics of a site, and asked if there are any guidelines regarding "physical characteristics". Mr. Sihler stated individual county governments would have to define the criteria.

Vote:

The motion FAILED 6 to 6, roll call vote. Senator McClernan was absent at the time of the vote. He left his vote but did not specify if he would support HB 30 with Senator Kennedy's amendments. The Committee agreed to hold the vote open 24 hours, until Senator McClernan could vote. Senator McClernan voted NO the next day and the bill failed.

EXECUTIVE ACTION ON HB 288**Discussion:**

Senator Keating stated when a core sample is taken, it is sent to a core lab where the its porosity and permeability are measured in a core analysis. He said the sample is then returned to the company at which time an engineering report is drafted, which becomes proprietary information. Senator Keating stated the state geologist only wants the scientific information from the "ordinary" core analysis.

Motion:

Senator Keating MOVED TO AMEND HB 288 (Exhibit #6). The motion CARRIED UNANIMOUSLY, with Senator McClernan absent at the time of the vote.

Motion/Vote:

Senator Keating MOVED HB 288 BE CONCURRED IN AS AMENDED. The motion CARRIED with Senator McClernan absent at the time of the vote.

EXECUTIVE ACTION ON HB 417**Motion:**

Senator Kennedy MOVED HB 417 BE CONCURRED IN.

Discussion:

Senator Bianchi asked John Geach, DHES Underground Storage Tank (UST) Program, to remind the Committee what HB 417 does. Mr. Geach referred the question to Sandra Noble, DHES attorney.

Senator Grosfield asked if it was likely that there would be a one day penalty. Ms. Noble said if an inspector in the field told an individual about a problem and the tank owner/operator

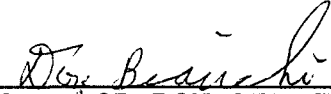
corrected it right away, the person would only be fined for one day. Ms. Noble said if an owner/operator did not correct a violation, DHES would weigh other enforcement options rather than fining for several days of violations. She added DHES is not simply out to collect fines.

Vote:

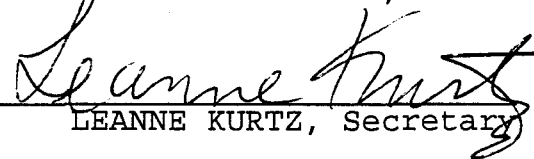
The motion CARRIED 9 to 4, roll call vote.

ADJOURNMENT

Adjournment: 5:50 p.m.



SENATOR DON BIANCHI, Chair



LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE NATURAL RESOURCES DATE 3/12

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	✓		
Sen. Hockett	✓		
Sen. Bartlett	✓		
Sen. Doherty	XXXX		✓
Sen. Grosfield	✓		
Sen. Keating	✓		
Sen. Kennedy	✓		
Sen. Swift	✓		
Sen. Sunsgood	✓		
Sen. McCernan	✓		✓
Sen. Treitz	✓		
Sen. Weeding	✓		
Sen. Weldon	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 171 (first reading copy -- blue), respectfully report that House Bill No. 171 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

APU Amd. Coord.
Sec. of Senate

Keating
Senator Carrying Bill

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 84 (first reading copy -- blue), respectfully report that House Bill No. 84 be amended as follows and as so amended be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

That such amendments read:

1. Title, lines 7 and 8.

Strike: "CHANGING" on line 7 through ";" on line 8

2. Page 9, lines 8 through 13.

Strike: section 10 in its entirety

Renumber: subsequent sections

3. Page 9, line 19.

Strike: "_____ Bill _____ [LC 0949]"

Insert: "House Bill No. 121"

4. Page 9, line 22.

Following: "sections"

Insert: "2 and"

Following: "8"

Strike: "and 10"

-END-

AM Amd. Coord.
Sec. of Senate

Grosfield
Senator Carrying Bill

571045SC.San

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 30 (first reading copy -- blue), respectfully report that House Bill No. 30 be amended as follows and as so amended be not concurred in.

Signed: _____
Senator Don Bianchi, Chair

That such amendments read:

1. Page 8.

Following: line 4

Insert:

"(3) Regulations adopted pursuant to 75-7-207 for the area between 20 horizontal feet and 50 horizontal feet above the high-water mark must:

(a) allow an existing home located within the area between 20 horizontal feet and 50 horizontal feet above the high-water mark that is destroyed by fire or natural disaster to be rebuilt at its present location;

(b) provide for the expansion and remodeling of existing homes;

(c) provide a simple variance procedure for the construction of homes that, because of the physical characteristics of the site, must be built within the area between 20 horizontal feet and 50 horizontal feet above the high-water mark; and

(d) exempt routine home maintenance."

-END-



Amd. Coord.
Sec. of Senate

Senator Carrying Bill

571049SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 288 (first reading copy -- blue), respectfully report that House Bill No. 288 be amended as follows and as so amended be concurred in.

Signed: _____

Don Bianchi
Senator Don Bianchi, Chair

That such amendments read:

1. Title, line 9.
Following: "AND"
Insert: "ORDINARY"
Strike: "REPORTS"

2. Page 2, line 2.
Following: "and"
Insert: "ordinary"
Strike: "reports"

-END-

FW
Amd. Coord.
Sec. of Senate

Keating
Senator Carrying Bill

571046SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1993

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 417 (first reading copy -- blue), respectfully report that House Bill No. 417 be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

AL Amd. Coord.
Sec. of Senate

Weldon
Senator Carrying Bill

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DATE 3/12 TIME _____ A.M. P.M.

YES NO

Leanne Kurtz Sen. Bianchi
SECRETARY CHAIR

Fog

ROLL CALL VOTE

~~At~~

SENATE COMMITTEE NATURAL RESOURCES BILL NO. HB 30

DATE 3/12/93 TIME _____ A.M. P.M.

NAME	YES	NO
Chairman Bianchi	X	
Vice Chairman Hockett	X	
Sen. Bartlett	X	
Sen. Doherty	X	
Sen. Grosfield		X
Sen. Keating		X
Sen. Kennedy		X
Sen. McClellan	—	— (held)
Sen. Swift		X
Sen. Suysgood		X
Sen. Treit		X
Sen. Weeding	X	
Sen. Weldon	X	
	6	6

Leanne Kurtz
SECRETARY

Sen. Bianchi
CHAIR

MOTION: ~~TO Amend HB 30 (HB 003005, 7cs)~~
HB 30 Concur As Amended

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES BILL NO. HB 417

DATE 3/12/93 TIME 5:50 A.M. P.M.

NAME	YES	NO
Chairman Bianchi	X	
Vice Chairman Hockett	X	
Sen. Bartlett	X	
Sen. Doherty	X	
Sen. Grosfield		X
Sen. Keating	X	
Sen. Kennedy	X	
Sen. McClellan	X	
Sen. Swift		X
Sen. Suysgood		X
Sen. Treitt		X
Sen. Weeding	X	
Sen. Weldon	X	
	9	4

Leanne Kurtz
SECRETARY

Sen. Bianchi
CHAIR

MOTION: HB 417 Concur

Northern Plains Resource Council

Proposed Amendments to HB 532

Extending the Moratorium on Out-of-State Waste Until Montana Has Fully Implemented Existing Solid Waste Management Laws:

Page 2
line 2

following "1993"

insert ", or until the department and board have adopted
rules to implement Title 75, chapter 10, part 9,
whichever is later."

SENATE NATURAL RESOURCES

EXHIBIT NO. 1

DATE 3/12/93

BILL NO. HB 532

TESTIMONY OF JOHN F. NORTH
CHIEF LEGAL COUNSEL
DEPARTMENT OF STATE LANDS
ON
HB171

SENATE NATURAL RESOURCES

EXHIBIT NO. 2

DATE 3/12/93

BILL NO. HB 171

Senate Natural Resources Committee, March 12, 1993

The Montana Strip and Underground Mine Reclamation Act (MSUMRA) is the regulatory authority for prospecting and mining of coal and uranium. Through the Department of State Lands, Montana administers its regulatory program on private, state and federal lands. There is also a federal statute regulating coal mining, and Montana's program must be as effective as the Federal program in both its statute and regulations.

The Office of Surface Mining, which is the federal agency that oversees state regulatory programs, has notified the Department that the Montana act is less effective than the federal law in three respects. HB171 cures those defects. The Legislative Council has also made many non-substantive style amendments. The Department's proposed amendments and the reasons for those amendments are as follows:

1. Prospecting - (Page 7, lines 5 and 6, and page 12, line 20 through page 13, line 9.) The current definition of the term "prospecting" in the Montana law is not as broad as the federal definition because it does not include most environmental data gathering activities, such as the drilling of test wells and overburden sampling. The amendment at page 7, lines 5 and 6 brings the statute into compliance with the federal statute. The amendment at page 12, line 20 through page 13, line 9 inserts procedures and reclamation requirements that are the same as the federal law.
2. Applicant Violator System - (Page 19, lines 16 and 17) As a result of extended litigation and settlements between environmental interest groups and the Office of Surface Mining, that agency has developed an extensive computerized database for tracking coal mine violators nationwide and federal regulations have been adopted requiring the filing of detailed ownership and control information for the system. The system is intended to block an operator from violating the law in one state and moving to another and obtaining a permit. The federal rules also apply this prohibition to operators who are controlled by or under common control with an operator who is in violation of an environmental protection law. The Montana statute applies only to the operations owned or controlled by the applicant. The amendment at page 19, lines 16 and 17 brings the Montana statute into compliance with the federal rules.

Amendments to House Bill No. 84
Third Reading Copy

Requested by Senator Kennedy
For the Committee on Natural Resources

Prepared by Paul Sihler
March 8, 1993

1. Title, lines 7 and 8.

Strike: "CHANGING" on line 7 through ";" on line 8

2. Page 9, lines 8 through 13.

Strike: section 10 in its entirety

Renumber: subsequent sections

3. Page 9, line 19.

Strike: "_____ Bill _____ [LC 0949]"

Insert: "House Bill No. 121"

4. Page 9, line 22.

Following: "sections"

Insert: "2 and"

Following: "8"

Strike: "and 10"

SENATE NATURAL RESOURCES

EXHIBIT NO. 3

DATE 3/12/93

BILL NO. HB 84

Amendments to House Bill No. 102
Third Reading Copy

Requested by Sen. Bianchi
For the Committee on Natural Resources

Prepared by Todd Everts
March 12, 1993

1. Page 2, line 10.
Strike: "1994"
Insert: "1995"

SENATE NATURAL RESOURCES

EXHIBIT NO. 4

DATE 3/12/93

BILL NO. HB102

Amendments to House Bill No. 30
Third Reading Copy

Requested by Senator Kennedy
For the Committee on Natural Resources

Prepared by Paul Sihler
March 12, 1993

SENATE NATURAL RESOURCES

EXHIBIT NO. 5

DATE 3/12/93

BILL NO. MB 30

1. Page 8.

Following: line 4

Insert:

"(3) Regulations adopted pursuant to 75-7-207 for the area between 20 horizontal feet and 50 horizontal feet above the high-water mark must:

(a) allow an existing home located within the area between 20 horizontal feet and 50 horizontal feet above the high-water mark that is destroyed by fire or natural disaster to be rebuilt at its present location;

(b) provide for the expansion and remodeling of existing homes;

(c) provide a simple variance procedure for the construction of homes that, because of the physical characteristics of the site, must be built within the area between 20 horizontal feet and 50 horizontal feet above the high-water mark; and

(d) exempt routine home maintenance."

Amendments to House Bill No. 288
Third Reading Copy

Requested by Sen. Keating
For the Committee on Natural Resources

Prepared by Todd Everts
March 12, 1993

1. Title, line 9.
Following: "AND"
Insert: "ORDINARY"
Strike: "REPORTS"

2. Page 2, line 2.
Following: "and"
Insert: "ordinary"
Strike: "reports"

SENATE NATURAL RESOURCES

EXHIBIT NO. 6

DATE 3/12/93

BILL NO. HB 288

SENATE NATURAL RESOURCES COMMITTEE

Schedule as of March 12, 1993

All Committee Hearings will be held at 3:00 p.m. in Room 405 unless otherwise noted.

BILLS TO BE HEARD 03/12/93

HB 64 Rep. Grady

REQUIRE DHEC TO ESTABLISH A FEE ON THE DISPOSAL OF OUT-OF-STATE WASTE

HB 171 Rep. M. Hanson

REVISION OF THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT

HB 532 Rep. Tunby

PROVIDE EXCEPTIONS TO THE MORATORIUM ON IMPORTATION OF SOLID WASTE

****EXECUTIVE ACTION PLANNED FOR HB 84, HB 102, HB 30, HB 417, HB 288**

BILLS TO BE HEARD 03/15/93

HJR 11 Rep. Daily

SUPPORT FOR NEWTECH IN BUTTE

HJR 20 Rep. Knox

SUPPORTING CLEANUP OF THE BERKELEY PIT

BILLS TO BE HEARD 03/17/93

HB 442 Rep. Knox

GENERALLY REVISING THE METAL MINE RECLAMATION ACT

HB 454 Rep. Vogel

AN ACT AMENDING THE MEGALANDFILL SITING ACT

HB 567 Rep. Foster

COMMERCIAL MEDICAL WASTE INCINERATOR PERMITTING

BILLS TO BE HEARD 03/19/93

HB 280 Rep. Gilbert

SUBDIVISION REVISION

HB 408 Rep. Fagg

GENERALLY REVISE THE MONTANA SUBDIVISION AND PLATTING ACT

BILLS TO BE HEARD 03/22/93

HB 365 Rep. Rose

TETON RIVER BASIN CLOSURE

*yes in Kennedy amendments
yes on bill as amended*

yes

3/12/93

yes

yes

yes

yes

San Steve D. D. D.

Amendments to House Bill No. 102
Third Reading Copy

Requested by Sen. Bianchi
For the Committee on Natural Resources

Prepared by Todd Everts
March 12, 1993

1. Page 2, line 10.

Strike: "1994"

Insert: "1995"

DATE 3/12/93

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: HB 64, HB 171, HB 532

Name	Representing	Bill No.	Check One Support Oppose	
Edna Vnser	MOT	HB 64		
Mike MacLean	Fallon County	HB 64/352		
Jim Mockler	St. Coe / Council	HB 171	✓	
TERRY COSGROVE	Fallon County	532 HB 64		
Tom Ebzery	Nerco Inc	HB 171		
Chris Hallus	MTC	HB 532		
Sen Betty Brucki-Mcneer	Sen Dist 12	HB 532		HB 532
Ted Lange	NPRC	HB 532		HB 532 w/4 no.
Dennis Olso	NPRC	HB 171	✓ w/4 no.	
John North	State Lands	HB 171	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY